

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	MILLER ET AL.	)	EXAMINER:	Fetsuga, R.
		)		
SERIAL NUMBER:	10/713,494	)	ART UNIT:	3751
		)		
FILING DATE:	NOVEMBER 14, 2003	)		
		)		
TITLE:	Bathing Apparatus	)		
		)		
		)		

Mail Stop: APPEAL BRIEF  
Board of Patent Appeals and Interferences  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REPLY BRIEF**

Dear Sir:

On May 8, 2006, the Examiner mailed an Examiner's Answer with respect to the above referenced application. The Examiner's Answer contained no new grounds of rejection. Accordingly, Applicant submits the following reply brief pursuant to 37 CFR §41.41.

**I. REAL PARTY IN INTEREST**

Applicant hereby incorporates the statement of real party in interest as set forth in Applicant's Appeal Brief mailed March 13, 2006.

**II. STATEMENT OF RELATED APPEALS AND INTERFERENCES**

Applicant hereby incorporates the statement of related appeals and interferences as set forth in Applicant's Appeal Brief mailed March 13, 2006.

### III. STATUS OF THE CLAIMS

Applicant hereby incorporates the listing of the status of the claims as set forth in Applicant's Appeal Brief mailed March 13, 2006.

### IV. STATUS OF THE AMENDMENTS

Applicant hereby incorporates the listing of the status of the amendments as set forth in Applicant's Appeal Brief mailed March 13, 2006.

### V. SUMMARY OF CLAIMED SUBJECT MATTER

Applicant hereby incorporates the summary of claimed subject matter as set forth in Applicant's Appeal Brief mailed March 13, 2006.

### VI. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

Applicant hereby incorporates the summary of claimed subject matter as set forth in Applicant's Appeal Brief mailed March 13, 2006.

### VII. ARGUMENT

#### A. Reply to Examiner's Arguments

The third element of Applicant's claim 1 is:

*"connecting means removably connecting the attachment means to the flexible sheet."*

The removable connection between Applicant's flexible sheet and the attachment means is an important feature of Applicant's invention since the removable connection allows the attachment means to be removed when the flexible sheet is laundered.

The Examiner cites Stevens, U.S. Patent No. 6,353,943 as anticipatory of claim 1 pursuant to 35 U.S.C. §102(b). The Examiner argues that the stem or post of the Stevens attachment suction cup is a removable attachment means capable of being removed from the sheet by merely applying force to the suction cup. (Examiner's Answer page 4).

Applicant respectfully submits that the Examiner is misreading the Stevens prior art reference. The entire teaching of the Stevens reference with respect to the attachment of the

suction cup to the fabric mat is contained in the Stevens patent at column 4, lines 29-40. The Stevens specification states,

*“ . . . as depicted in Fig. 3, suction cup fasteners 54 each include a cup body 74 and a stem or post 75. Post 75 passes through a hole or perforation 71 in fabric mat 52 and is attached to the mat by any means known in the art.” For example, post 75 may be rigidly secured to a backing element or flange by heat fusion or ultrasonic welding. Additionally a grommet or other reinforcing device (not illustrated) may be disposed about perforation 71 as will readily occur to those skilled in the cloth arts.” (Emphasis added)*

Clearly, the only teaching of Stevens is a permanent bond of the suction cup to the fabric mat. Therefore, Stevens unambiguously does not teach a connecting means removably connecting the attachment means to the flexible sheet. The Examiner’s suggestion that, *“the stem or post, even with the backing element or flange fused or welded thereto is capable of being removed from the sheet by merely applying force to the suction cup”* should not be persuasive since the procedure suggested by the Examiner would either destroy the Stevens apparatus, or be well outside of the scope of the Stevens disclosure.

#### VIII. CLAIMS APPENDIX

Applicant hereby incorporates the claims appendix as set forth in Applicant’s Appeal Brief mailed March 13, 2006.

#### IX. EVIDENCE APPENDIX

Applicant hereby incorporates the evidence appendix as set forth in Applicant’s Appeal Brief mailed March 13, 2006.

#### X. RELATED PROCEEDINGS APPENDIX

Applicant hereby incorporates the related proceedings appendix as set forth in Applicant's Appeal Brief mailed March 13, 2006.

#### XI. CLOSING REMARKS

For the foregoing reasons, Applicant submits that the rejection of claims 1-5 and 9 pursuant to 35 USC §102(b) and the rejection of claims 1-5, 9 and 11 pursuant to 35 USC

§103(a) is improper, and that claims 1-5, 9 and 11 are therefore patentable. Accordingly, Applicant respectfully requests that the rejection of the Examiner be reversed.

The undersigned hereby authorizes the charge of any required fees not included or any deficiency of fees submitted herewith to be charged to deposit account number 19-5117.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James L. Brown', is written over a horizontal line.

James L. Brown, #48,576  
Swanson & Bratschun, L.L.C.  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
Telephone: 303.268.0066  
Facsimile: 303.268.0065

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